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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

|                           |   |                            |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, | ) | No. 07-00439 RMW           |
|                           | ) |                            |
| Plaintiff,                | ) |                            |
|                           | ) | STIPULATION AND [PROPOSED] |
| v.                        | ) | ORDER EXCLUDING TIME       |
|                           | ) |                            |
| CESAR MACEDO-ESTRADA,     | ) |                            |
|                           | ) |                            |
| Defendant.                | ) | SAN JOSE VENUE             |
|                           | ) |                            |

On July 12 2007, the parties in this case appeared before the Court for an arraignment. After the defendant was arraigned and entered a plea of not guilty, the parties jointly requested that the case be placed on Judge Whyte's calendar on August 20, 2007. Assistant United States Attorney Susan Knight then explained that the government needed to provide discovery to Assistant Federal Public Defender Lara Vinnard and requested an exclusion of time under the Speedy Trial Act from July 12, 2007 to August 20, 2007. The defendant, through AFPD Vinnard, agreed to the exclusion. The undersigned parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

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1 SO STIPULATED:

SCOTT N. SCHOOLS  
United States Attorney

2  
3 DATED: 7/17/07

/s/  
SUSAN KNIGHT  
Assistant United States Attorney

4  
5 DATED: 7/17/07

/s/  
LARA S. VINNARD  
Assistant Federal Public Defender

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7  
8  
9 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
10 under the Speedy Trial Act from July 12, 2007 to August 20, 2007. The Court finds, based on  
11 the aforementioned reasons, that the ends of justice served by granting the requested continuance  
12 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant  
13 the requested continuance would deny defense counsel reasonable time necessary for effective  
14 preparation, taking into account the exercise of due diligence, and would result in a miscarriage  
15 of justice. The Court therefore concludes that this exclusion of time should be made under 18  
16 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

17 SO ORDERED.

18  
19 DATED: \_\_\_\_\_

RICHARD SEEBORG  
United States Magistrate Judge